UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,795	06/05/2001	Geoffrey R. Hird	020967-002010US	5815

20350 7590 04/27/2007		EXAMINER
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ART UNIT	PAPER NUMBER
2135	

EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAIL DATE	DELIVERY MODE
04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>02 April 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, ~~the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1, 4-20, 23-31, and 34-43*.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
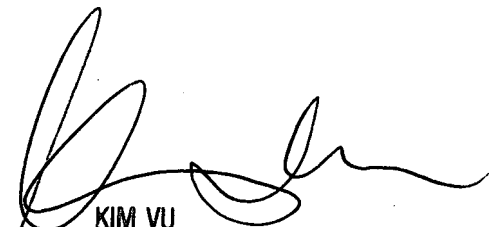
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argued that Zingher does not teach producing this false PIN to look like the user's confidential datum. The applicant argues further that Zinger's false PIN exists and is not generated based on an invalid access code. A summary of the applicant's arguments indicates that the applicant believes that Pavlov, Spratte and Zingher do not teach, "a seed-based data generation module ... configured to generate an output datum..., wherein the output datum is a function of the input access code, and ... wherein for at least one input access code not equaling said user's access code, said seed-based data generation module generates an invalid output datum having said appearance of said user's confidential datum. Finally the applicant argues that there exists no motivation to combine Pavlov and Spratte and further to combine Zingher. .

The system of Zingher, as stated in the office action, teaches a system wherein when the access code does not match then the module generates a message that the request exceeds the maximum allowable withdrawal at this machine (column 9 lines 9-23). The datum is invalid because, as stated by the system of Zingher, (column 9 lines 14-16) the maximum is actually a value of $500-$600.

Although the applicant argues that the false PIN of Zingher exists and is not generated based on an invalid access code. The false PIN disclosed by Zingher corresponds to the invalid access code that is not equal to the user's access code. The data that is displayed to the user corresponds to the output data having the appearance of the user's confidential datum. It has the appearance because it is not the correct value of the funds available are not the funds shown, instead it is a value presented as a response to the false PIN and therefore a function of the false PIN. The applicant argued that Zingher's false PIN exists and is not generated based on an invalid code. When using the above interpretation the false data is generated based on the false PIN access code.

In reference to the combination of Pavlov and Spratte, the system of Pavlov discloses the generation of confidential data and the system of Spratte discloses further a protocol to create confidential data in the form of keys that meet export conditions and yet are unique enough to make them difficult to hack.

In reference to the combination that includes Zingher, the applicant argues that Zingher is directed to an entirely different endeavor from that of either Spratte or Pavlov. This is not persuasive since Zingher is directed to the generation of confidential data depending on the access code entered and Pavlov is also directed to the generation of confidential data..

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